



CITY OF MEMPHIS

COUNCIL AGENDA

August 19, 2003

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (none)

GENERAL ORDINANCE - SECOND READING (none)

ZONING ORDINANCES - FIRST READING

1. **ORDINANCE** rezoning the east side of Pendleton; +368 feet north of Ketchum, containing 6,000 Sq. Ft., in the Single Family Residential (R-S6) District, up for F I R S T reading.

Peete

Ordinance No. 5012

Case No. Z 03-111

Applicant: Robert Fogleman
Dr. Ashok Kara – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** rezoning the north side of Ellis Road; beginning 944.6 feet west of Brunswick Road, containing 110 acres in the Former gravel extraction/Agricultural (AG) District, up for F I R S T reading.

Peete

Ordinance No. 5013

Case No. Z 03-114cc

Applicant: Windsor Park, LLC
Keith Grant – Representative

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

3. **ORDINANCE** amending the Memphis Zoning Code to establish regulations governing Operation of Pedestrian Vendors within the City of Memphis and to add a definition of Pedestrian Vendor, up for S E C O N D reading.

Lowery

Ordinance No. 5011
Case No. ZTA 03-003

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

4. RESOLUTION approving final plat of JOE CASSINI'S KETCHUM ROAD SUBDIVISION, RESUBDIVISION OF PART OF LOT 2.

Case No. S 03-005

Resolution approves the final plat located on the east of Pendleton Street, 175.8 feet north of Ketchum Ave. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting SHELBY DRIVE MEDIAN MODIFICATION AT DAMASCUS ROAD, and authorizing release of bond.

(Contract No. CR-4522)

Resolution accepts completion of the public improvements as shown on the engineering plans located beginning on Shelby Drive, 319 feet west of Damascus Road extending westwardly 430'±. The standard improvement contract was approved on December 21, 1999. Resolution also authorizes the release of bond in the amount of \$31,200.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting SUGGSLAND SUBDIVISION, RESUBDIVISION OF THE SOUTH HALF OF LOT 10, and authorizing release of bond.

Case No. S 01-042
(Contract No. CR-4790)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of West Suggs Drive and Alladin Avenue. The standard improvement contract was approved on May 6, 2003. Resolution also authorizes the release of the performance bond in the amount of \$29,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of WHITTEN FOREST PD, PHASE 4.

Case No. PD 84-380cc
Contract No. CR-4813

Resolution approves the final plat located on the east side of Whitten Road, 626 feet south of Macon Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of WHITTEN FOREST PD, PHASE 5.
Case No. PD 84-380cc
Contract No. CR-4814

Resolution approves the final plat located on the east side of Whitten Road, 626 feet south of Macon Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving a final plat of CHICKASAW BUSINESS PARK, BUILDING 'M' DRAINAGE IMPROVEMENTS.
Contract No. CR-4815

Resolution approves final plat located at 6380 East Holmes Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting COTTON PLANT GROVE SUBDIVISION, and authorizing release of bond.
Case No. S 98-004
(Contract No. CR-4494)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Cotton Plant Road, 699.75 feet \pm south of Cotton Plant Cove. The standard improvement contract was approved on October 26, 1999. Resolution also authorizes the release of the letter of credit in the amount of \$21,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of WOODLAND HILLS P.D., 5TH AMENDMENT, PHASE 22.
Case No. PD 02-345cc

Resolution approves the final plat located on the north side of Woodland Hills Drive, 76.5 feet west of Woodland Ridge Drive. Cost of the required improvements to be borne by the Developer. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

12. **NOTATIONS** from the Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 02-335cc – NONCONNAH CROSSING PLANNED DEVELOPMENT

Located on the southeast corner of Hacks Cross Road and Nonconnah Parkway, containing 5.94 acres in the Agricultural (AG), Agricultural Flood Plain (AG[FP]), District

Applicant: B J Gurley
Askew, Hargraves and Harcourt (Brenda Solomito)-
Representative

Request: Uses consistent with the Planned Commercial Use District

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No PD 03-331 - ECHLES STREET PLANNED DEVELOPMENT

Located on the west side of Echles Street; +150 feet south of Carnes Avenue, containing 1.35 acres in the Single Family Residential (R-S6) District

Applicant: John Gallina
Davis Engineering Co. Inc. (Mark Davis)-
Representative

Request: A maximum of 8 residential lots (typical lot size 4,600 sq. ft.)

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 03-336 – GALLOWAY COURT

Located on the north side of Walnut Grove Road; +516 feet east of Highland Avenue, containing .69 acres in the Single Family Residential (R-S6) District

Applicant: Boyington-Barry Partnership
Davis Engineering (Mark Davis)- Representative

Request: A maximum of six (6) single family lots

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 03-338

Located on the east side of Shady Grove Road @ Wild Maple Drive, containing 20.11 acres in the Single Family Residential (R-S15) District

Applicant: Bateleur Investments Inc.
Butch Porter and Russell Bloodworth-
Representative

Request: A maximum of 11 single family lots (Average Lot Size 1.4 acres)

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. PD 03-340cc – SUTTON PLACE EAST PLANNED
DEVELOPMENT

Located on the south side of Pisgah Road; +5,700 feet north of the
intersection of Macon Road and Pisgah Road, containing 41.7 acres in the
Agricultural (AG) District

Applicant: Houston Levee Crossing Partners
Danny Tabrizi, E. D. S. Inc. – Representative

Request: Planned development to permit 173 single family
detached dwellings in accordance with Single
Family Residential (R-S10) District within the
Outline Site Plan

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SUP 03-208

Located on the west side of Ford Road; +/-380 feet south of Peebles Road,
containing .45 acre(19,602 sq. ft.) in the Single Family Residential (R-S6)
District

Applicant: Dobbins R & L, Inc.
Peggy Dobbins – Representative

Request: Expansion of Personal Care Home for Aged

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 2, 2003



CITY OF MEMPHIS

COUNCIL AGENDA

August 19, 2003

Public Session, Tuesday, 3:30p.m.
Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

13. RESOLUTION recognizing Buehler Enterprises for their dedication to the Memphis Community. (Held from 7/15;8/5)

Vander Schaaf

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION commending MLG&W president Herman Morris on his recognition by the American Gas Association.

Holt

ACTION REQUESTED: Adopt the resolution

15. APPOINTMENTS (Held from 8/5)

Marshall

Memphis & Shelby County Building Code Advisory Board

Appointments

Reappointment

Bob Paullus
Hunter Ryan

Antonio Bologna

Memphis & Shelby County Joint Board of Appeals

Appointments

Reappointment

David Dixon
Marta A. McCully
Jamnu Tahiliani
Gary Wagner
Don White

Alfred Alperin

Memphis & Shelby County Joint Mechanical/Gas Board

Appointments

Jerry Ferrell
Allen Hartsfield

Memphis & Shelby County Plumbing Board

Appointments

Reappointment

Lloyd Rainey
Steve Stachowski

Harold McDonald

Memphis & Shelby County Electrical Board

Reappointments

Phillip Lim
Claud McCrory
William Basinger
Ralph Gusmus

City Beautiful Commission

Reappointment

Annette C. B. Hunt

ENGINEERING DIVISION

16. RESOLUTION amending the Fiscal Year 2004 Special Revenue Fund Budget by accepting and appropriating \$58,800.00 in Federal Grant Funds and \$19,600.00 in Shelby County Grant Funds for a total of \$78,400.00 in The Division of Engineering for Transportation Planning Activities.

Holt

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

17. RESOLUTION permitting temporary structures on the street, August 29th – 30th, 2003, from 5:00 p.m. to 11:59 p.m., for the WLOK Stone Soul Picnic Festival.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

18. SUPPLEMENTAL RESOLUTION authorizing the execution and delivery of not to exceed \$30,000,000.00 Electric System Revenue anticipation notes of the City of Memphis.

Jones

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION approving property swap between MLGW and St. Andrews Presbyterian Church, PCA, Inc. MLGW property located at 511 Houston Levee Road, being a portion of Well lot 761, and portion of land located on Houston Levee Road north of Macon Road and owned by St. Andrews.

Jones

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION including Mud Island Repairs, CIP Project Number GS032 as part of the FY 2004 Capital Improvement Program. Resolution seeks to appropriate \$117,923.00 in construction funds, funded by G.O. Bonds General for tram and pavement repairs.

Jones

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION including ADA Facility Compliance, CIP Project Number GS022 as part of the FY 2004 Capital Improvement Program. Resolution seeks to appropriate \$59,000.00 in construction funds, funded by G.O. Bonds General for City Hall ADA lock and handle compliance.

Jones

ACTION REQUESTD: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

22. RESOLUTION appropriating \$186,000.00 funded by G.O. Bonds-General from CD045 for infrastructure improvements to MIDAP-Wooddale Ridge for 26 units of middle income housing.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK COMMISSION

23. RESOLUTION including Bert Ferguson Aquatic Center, CIP Project Number PK223, as part of the FY 2004 Capital Improvement Program. Resolution seeks Council approval of Schematic Design of Bert Ferguson Aquatic Facility, and Council authorization for completion of plans and specifications and taking of bids at an estimated construction cost of \$3,700,000.00.

Vergos

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION including Zoo Major Maintenance, CIP Project Number PK048, as part of the FY 2004 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation. The resolution seeks to appropriate \$225,000.00 in construction funds.

Vergos

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC WORKS

25. RESOLUTION amending the FY 2004 Capital Improvement Budget by transferring an allocation and appropriating \$156,266.00 from Minor Streets project number PW075, to Beale Street Sidewalk Replacement project number PW470 for construction contract with Omega General, Inc.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$58,508.00 in Sewer Funds from Rehab Existing Sewers project number SW012 to Hawkins Mill School Sewer Relocation project number SW139 for construction contract with Argo Construction.

Holt

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING (none)

ZONING ORDINANCES - THIRD AND FINAL READING

27. **ORDINANCE** rezoning the west side of South Third Street (U.S. Hwy. 61); +/-368 feet north of Levi Road, containing 1.20 acres in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5010
Case No. Z 03-113

Applicant: Toya Sanders
Reginald Sanders - Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

23 NOTICES MAILED ON AUGUST 8, 2003

DIVISION OF PLANNING & DEVELOPMENT

28. RESOLUTION amending the FY 2004 Capital Improvement Budget by increasing the allocation by \$2,161,570.00 funded by G.O. Bonds General in CIP Project #IS004 Financial/HR System Replacement. Resolution also appropriates \$9,361,570.00 funded by GO Bonds – General in CIP Project #IS004 Financial/HR System Replacement.

Sammons

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION approving a special use permit located on the northwest corner of Raines Road and Neely Road, containing 6.41 acres in the Planned Commercial (C-P) District.

Peete

Case No. SUP 03-207

Applicant: Cummings Street Baptist Church
Grant Madsen – Representative

Request: Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

30. RESOLUTION approving a special use permit located on the north of Macon Road., at its intersection with Bartlett Rd., containing 23 acres in the Agricultural (AG) and Agricultural Flood Plain (AG[FP]) and Floodway (FW) Districts.

Peete

Case No. SUP 03-209

Applicant: O.W. Winsett
Crafton Engineering P.C.(Nicholas T. Crafton, P.E)-
Representative

Request: Mining and related processing of sand

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

31. RESOLUTION approving a special use permit located on the north side of Brooks Rd.; ±815 ft. west of Graves Rd. intersection, containing 25 acres in the Heavy Industrial (I-H) and Heavy Industrial Flood Plain I-H (FP) Districts.

Peete

Case No. SUP 03-214

Applicant: Pull-A-Part of Tennessee, LLC
SR Consulting, L.L.C. (Cindy Reaves)-
Representative

Request: Automobile Dismantler & Recycler

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

32. RESOLUTION approving a special use permit located on the south side of Hemingway Avenue; +500 feet west of Tant Road, containing .27 acre in the Single Family Residential (R-S6) District.

Peete

Case No. SUP 03-206

Applicant: Sisters of the Good Shepherd
Lois Wilber – Representative

Request: Community Outreach Program

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

33. RESOLUTION approving a planned development located on the east side of Germantown Road; approximately 95 feet south Rebecca Woods Drive, containing 35.20 acres in the Agricultural(AG) District.

Peete

Case No. PD 03-315cc

Applicant: Hunters Walk South Joint Venture
The Bray-Davis Firm, Inc. – Representative

Request: Planned development to permit 68 single family detached homes with a minimum lot size of 13,500 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

307 NOTICES MAILED ON AUGUST 8, 2003

34. RESOLUTION approving a planned development located on the northwest corner of National Avenue and Kallaher Avenue, containing 1.156 acres in the Duplex Residential (R-D) District.

Peete

Case No. PD 03-319

Applicant: Vision Properties, LLC
Frank Palumbo, Jr. – Representative

Request: Realignment of property into six (6) residential lots with either duplex or single-family residential use

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

96 NOTICES MAILED ON AUGUST 8, 2003

35. RESOLUTION approving a planned development located on the west side of Sycamore View Road; +500 feet south of Raleigh LaGrange Road, containing 2.7 acres in the Area C of the Sycamore View Road P.D.(P.D. 00-359 – CP Uses).

Peete

Case No. PD 03-328

Applicant: Reaves Family Partnership & Al Yearwood
Ronald Harkavy – Representative

Request: Add a car wash facility to the list of permitted uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

21 NOTICES MAILED ON AUGUST 8, 2003

36. RESOLUTION approving a street/alley closure beginning approximately 473 feet east of Millbranch Road; approximately 357 feet north of Shelby Drive and proceeding approximately 1,547 feet therefrom, containing 2.678 acres.

Peete

Case No. SAC 03-611
(Companion Case PD 03-333)

Applicant: Southland Development Partners
W. H. Porter & Company, Inc. – Representative

Request: Closure of three (3) Street Right-of-Ways

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES MAILED ON AUGUST 8, 2003

37. RESOLUTION approving a planned development located on the northwest corner of Shelby Drive and Interstate 55, containing 30.86 acres in the Highway Commercial (C-H) District.

Peete

Case No. PD 03-333
(Companion Case SAC 03-611)

Applicant: Southland Development, L.L. C.
Terry A. Lynch – Representative

Request: Planned development to create 109 single family detached homes with a minimum lot size of 6,000 square feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES MAILED ON AUGUST 8, 2003

38. RESOLUTION approving a planned development located on the south side of Holmes Road; +/-747 feet east of Annandale Drive, containing 171.42 acres in the Agricultural(AG) District.

Peete

Case No. PD 03-335cc

Applicant: Land Solutions, LLC
Dalhoff Thomas Daws, LLC – Representative

Request: Planned development to allow single family detached residential neighborhoods of varying lot sizes(3,500 to 12,500 sq. ft. in area), including multiple dwelling residential within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

156 NOTICES MAILED ON AUGUST 8, 2003

GENERAL ITEM

39. RESOLUTION approving \$150,000.00 for Clayborne Temple Church and First Baptist Beale Church.(Held from 6/17)

Ford

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT